

(f) How many were dismissed from the post of Sheikdari ?

Tumkur ..	..	None
Mysore ..	..	"
Hassan ..	..	One (Christian)
Shimoga ..	..	Two (Brahmins)
Chitaldrug ..	..	No such cases
Kadur ..	..	Nil
Kolar ..	..	None
Bangalore ..	..	One (Mohammedan), 1 (Christian)

(g) If there are any who were so dismissed what arrangements have been made for their future employment? Castewar and Districtwar details to be given for all questions.

Tumkur ..	..	..
Hassan ..	..	No arrangements have been made.
Mysore ..	..	..
Shimoga ..	..	Out of the two officials dismissed, one has been reinstated and given a clerk's post. Another has appealed to the Revenue Com- missioner for rein- statement.
Chitaldrug ..	..	No such cases.
Kadur ..	..	Nil.
Kolar ..	..	None dismissed.
Bangalore ..	..	Nil.

RESOLUTION.—Contd.

THE DEWAN said that only half an hour would be allowed to discuss Resolution No. 4.

MR. K. T. BHASHYAM IYENGAR said that half an hour was hardly sufficient and that he would rather postpone his resolution.

MR. MIRLE LAKSHMINARANAPPA requested that that might be taken up for discussion on that day alone as he wanted to oppose the resolution.

MR. K. T. BHASHYAM IYENGAR then requested that some more time might be allowed, and the PRESIDENT agreed.

MR. K. T. BHASHYAM IYENGAR moved the following resolution:—

“That this Assembly recommends to the Government of His Highness the Maharaja the desirability of enacting a legislative measure in terms of the accompanying Bill known as the Hindu Law of Inheritance Bill.”

Statements of Objects and Reasons.

It is a matter of common knowledge that many of the provisions of Hindu Law, particularly in the field of inheritance, have become unsatisfactory and inequitable under modern conditions of Hindu society. The exclusion of women as a class and of such unfortunate persons as are afflicted with blindness, incurable leprosy and the like, from all rights of inheritance, the restrictions imposed on women in the enjoyment of properties inherited by them, the priorities of distant agnates over such near and dear relations as the son's daughter, sister's son and the like, the disadvantageous position of the widow and daughters of a coparcener who dies undivided, the rights of an outcaste and the distinction between illegitimate children of different classes, are all matters over which Hindu society feels aggrieved under the altered conditions of life and thought. With a view to modify the law and bring it into harmony with the just and equitable demands of society this bill has been enacted, the ambit of the modifications being restricted to the law of inheritance.

It is proposed to remove sex disqualification. This will bring into the fold of heirs many of the nearer relations who are at present altogether excluded; such for instance, as the daughter-in-law, step-mother, brother's widow and so on. It is next proposed to alter the order of succession so as to give the daughter, daughter's daughter, sister, sister's son and the like, preference over all agnates beyond the father's father. It is proposed to consider all estates acquired by a woman by inheritance or otherwise as her absolute estate in accordance with the dictum of *Vignaneswara*. The disadvantageous position of the widow and daughters of an undivided coparcener tending to disrupt the family is sought to be removed by declaring them entitled to all such rights in the joint family as they would have enjoyed if the coparcener had died divided. The exclusion of the blind, the deaf and the dumb and so on is removed; and every Hindu male or female is declared entitled to inherit. The

anomaly of a person ceasing to be a Hindu and still claiming to inherit in a Hindu family is sought to be removed by declaring that he shall forfeit his rights of inheritance under the Hindu Law. It is, however, made clear that he shall not be deprived of such properties as he may be already possessed of, either separate or self-acquired. Illegitimate children of all classes are held equally entitled to inherit in the manner and subject to the conditions now obtaining in respect only of a class.

Text of the Bill.

Whereas it is just and expedient that the principles of the Hindu Law of Inheritance as at present administered in the territories of Mysore should be modified in certain particulars, it is hereby enacted as follows:—

1,

Chapter I.

1. This regulation shall be called "The Hindu Law of Inheritance Regulation of 1928."

2. It shall extend throughout the territories of His Highness the Maharaja of Mysore.

3. It shall come into force on and from the 1st day of January 1929.

4. It shall apply to all persons of either sex who, being subjects of His Highness the Maharaja of Mysore, are Hindus by birth, religion or persuasion and all such persons as are governed by Hindu Law.

Chapter II.

5. No person of either sex shall by reason only of his or her being either dumb or deaf, blind, insane or lame, an incurable leper or all any of these are afflicted with other physical or mental defects be excluded from inheritance.

Provided that the District Court, or such other court as may be authorised in this behalf, may of itself, or on being called upon, appoint a guardian of the person or property or both of such persons as may be incapable of managing themselves or their property by reason of such defect or defects.

6. No woman shall be excluded from inheritance by reason only of her sex.

7. The order of succession in the case of separate and self-acquired properties of an intestate Hindu male

shall be modified as follows:—After the father's father and before the father's brother the order shall be:—Son's daughter, daughter's daughter, sister, sister's son, daughter-in-law, brother's daughter, sister's daughter, step-mother, brother's wife.

8. All properties acquired by a woman by inheritance, gift, purchase, partition, seizure or finding shall be her *Stridhana* enjoyable by her as her absolute estate, provided however that a gift made expressly of a limited estate shall not be deemed to confer an absolute estate.

9. Widows and daughters of a deceased undivided coparcener shall have the same rights in the family estates as if the coparcener had died divided.

10. Notwithstanding anything contained in the Freedom of Religion Act XXI of 1850 a person who has ceased to be a Hindu shall forfeit all rights of inheritance under the Hindu Law, provided that he shall not be divested of any such properties as he might already be possessed of, either separate or self-acquired.

11. Irrespective of caste all illegitimate children shall have the same rights of inheritance subject to the same conditions as are now in force in respect only of a class.

Chapter III.

12. Notwithstanding anything contained in this regulation no estate, interest, property or right already vested before the said 1st day of January 1929 in any person shall be divested.

Explanation—For the purposes of this section coparcenary right in joint family property shall not be deemed to be a right already vested.

13. Nothing in this regulation shall be deemed to affect any right to an office or any religious or charitable institution.

Nothing in this regulation shall affect any family custom or usage having the force of law or any of the principles of Hindu Law save in so far as they have been modified herein.

In support of his resolution, Mr. K. T. Bhashyam Iyengar spoke as follows:—

“There are many anomalies in the Hindu Law of Inheritance as at present administered. I have detailed them in the statement of objects and reasons. They are not only inequitable but are also mostly opposed to the shastras. It is therefore desirable and necessary to reform the law.

The exclusion of the blind, the deaf and dumb and the like for instance is not warranted by the sacred texts of Hindu Law (See 22 Mys. 256). Apasthamba is the authority in Mysore and he does not exclude either the blind, the deaf and dumb, the lame or the disabled. So too Vashishta. In the early days of the Aryan settlement when person and property were insecure and had to be protected against enemies, the physically disabled might have been treated as dependants and it is also likely that in those days of incessant struggle the able-bodied protectors of property were unwilling to give equal shares to those who rendered no help against adversaries. (See Mad. 4-43.) But these reasons no longer exist. It is eminently just that these unfortunate persons should be given rights of inheritance. It might have been expedient and possible in those days of joint and communal holdings with a patriarch at the head whose word was law to deny them a share in return for an assured and sufficient maintenance. Those days however are gone as remarked by a most eminent judge of the High Court of Madras. Nor can it be said that they are incapable of managing their shares. (See 4 Mys. L. R. 262.) Since I cannot say the same of the insane and the mentally defective I shall not press their case. In so far as the rest of them are concerned I submit that it is only just and fair that their right to inherit should be recognised.

The exclusion of women as a class except a few, from all rights of inheritance is again as unjust as it is opposed to the shastras. The Vedas are the highest authority in matters of Hindu Law. "Vedokhilo Dharmamulam" it is said and also "Dharma Jignyasa Manamam Pramanam Paramam Sruthihi." What do the Vedas say? They recognise perfect equality of rights in men and women. The right of co-ownership of women in properties is so far enforced that a husband is precluded from making a gift even to the Gods without the consent of the wife, a vestige which we have retained only as a ritual. The present rule of exclusion is based on an erroneous view of Law. Manu had said "Na Sthri Swathanthryem Arhathi" which as explained by Vyasa imposed a duty on men to be always at the service of their mothers, wives and daughters. It was however wrongly interpreted as declaring the incapacity of women to possess independence. Another blunder contributed to it. In the Taittiriya Samhita in dealing with the apportioning of the sacrificial drink it was said "Nirindriya Hyadayadaha Sthriyu Nritham," that is, women are not

capable of standing the intoxicating drink of Soma and therefore they should not be given a share of it. Baudhaya interpreted it as meaning, women are incapable of managing properties and therefore they should not be given a share in property. The error of this interpretation has been utterly exposed by the great Karnatak patriot and Vedic scholar Vidyaranya in his Parasara Madhaviyam. All this was not known at the time the Privy Council first declared the law excluding women: and the old error is being perpetuated day after day in spite of its colossal injustice on the ground of "*Communis error*." Nanda Panditha, Kamalakara, Balambhatta and many other law-givers have expressly referred to the daughter-in-law as an heir; yet she is totally ignored and the properties escheat to the Government! (See 7 Mys. 21). So too of the brother's widow: (see 12 Mys. 8) and of the step-mother: (see 7 Mys. L. R. 107). Mithakshara, the ruling authority in Mysore recognises all women as entitled to inherit. (See 24 Mys. 77.) In that decision Justice Paramasiva Iyer says "according to Yagnyavalkya Smrithi itself as explained by Vignaneswara women had rights of inheritance equal to those of men" and Justice Chandrasekhara Iyer, one of our most eminent judges, observed "The exclusion of female relations from all rights of inheritance is a 'survival of an archaic institution which has come to be regarded by the Hindu society itself as an unnatural and unreasonable rule that should no longer be enforced,' a rule that emphatically 'is not approved by the Hindus of the present day. . . .'" In Mysore we have had it explicitly laid down by more decisions than one that sex is no ground of disqualification for inheritance. The doctrine of women's exclusion from inheritance is now for all purposes a discredited doctrine. The present is an age of progress and enlightenment; that being so there is no earthly reason why at this time of day judges should lend their aid to the resuscitation of the antiquated and now disreputable doctrine that women are disqualified from holding or acquiring property on account of their sex." (See also the observations of Justice Setlur in 15, Mys. 303.) There is no justification whatever for this "disreputable" doctrine of sex disqualification to exist. Women are as capable of managing properties as men. These are days of women's progress and that means the progress of the nation. We have recognised their equality in the political sphere by removing the rule of sex disqualification. Let us extend the same principles in the less remote and more important

spheres of economic and legal rights. The sacred texts of Hindu law allow it and Hindu society demands it. We have no justification to withhold from them the rights to which they are entitled.

The priority of agnates is another piece of unjust law. Fancy a son's daughter being postponed to the fourth grandson of a fifth grandfather! or a sister having to wait till a list of 327 agnates is exhausted! Propinquity is the sole test of inheritance under the Mithakshara, and it seems as though a daughter's daughter is a more distant relation than the fourth descendant of a fifth ancestor! The rule of priority is alien to the texts of Mithakshara. (See 24 Mys. 77.) "One cannot find" says Justice Chandrasekhara Iyer "in the whole of the Mithakshara a single definite and unequivocal assertion that the claims of women in the line of heirs must be postponed irrespective of proximity of relationship, to the claims of men . . . Nowhere in the whole of his treatment of the subject of inheritance does Vignaneswara recognise any rule excluding females so far as to give priority to males or even exhibit a general preference for males over females as such regardless of the test of nearness of kinship. . . . Consanguinous propinquity is the very corner stone of the law of succession according to the Mithakshara. There is as little warrant for the postponement of women in the class of *bandhus* as for their absolute exclusion therefrom." This theory of priority is robbing them of the little chance that they possess and must be modified. A similar modification as now suggested has recently been approved by the British Indian Legislature. The innumerable restrictions imposed on women in the enjoyment of properties inherited by them are, again as unjust and unmerited as they are opposed to the *Shastras*, particularly the Mithakshara."

THE SECOND MEMBER OF COUNCIL enquired why, if that was their view of the law, they did not give effect to it.

MR. BHASHYAM IYENGAR replied that the Legislature said that they were bound by the decision of the Privy Council.

THE SECOND MEMBER OF COUNCIL observed that Mysore was not bound by the Privy Council.

MR. BHASHYAM IYENGAR replied that judges could not make or unmake law, and that they were bound by precedents. He said: "No judge, for instance, dare now declare the absolute rights of women or grant priority to a sister or a daughter's daughter over distant agnates unless assisted

by the legislature." Justice Sadasiva Iyer attempted it in 43 Mad. 4 but failed. Justice Coutts Trotter in 45 Mad. 949 observed "In the early days the Pandits responded to some extent to the advance of popular sentiment and consciousness and stigmatised as obsolete such rules and practices which though enshrined in the early writings did not accord with the sentiments of the people. The time has now gone by when this process was possible. The rules of law may be repugnant to more modern and more enlightened ideas than those which prevailed at the time of the Smrithies and commentators ; but they must be regarded as binding *until repealed by the legislature, and until that step is taken and the proposal passes into Law.* I feel constrained to say that the Courts of this country *have no option but to enforce them* with whatever reluctance and with whatever consciousness of their repugnance to the present sentiments of the Hindu people."

THE SECOND MEMBER OF COUNCIL remarked that the position of the Courts of British India was different from that of the Chief Court of Mysore. The former were bound by the Privy Council's decision and the latter not.

MR. BHASHYAM IYENGAR replied that the judges in Mysore also had to follow them.

THE SECOND MEMBER OF COUNCIL wanted to know if there were Chief Court decisions on this point.

MR. BHASHYAM IYENGAR replied that there were, and added that in British Indian Legislature also a bill was passed to the effect that property should go to the nearest relative in the first instance.

Referring to 43, Allahabad, 463, the speaker observed that a widow might inherit lakhs upon lakhs but should leave them all untouches and could not build even a chattram in her husband's name. She could not make even a pilgrimage out of her husband's money. The limits placed on the wife, daughter, etc., were very cruel. According to the present law, they were not given their rights and unless the law was repealed by the legislature, it was not possible to give effect to the full right of women. Some people might be of opinion, that if women were given their rights, they might not be able to guard them. The member said that he was of opinion that women were quite competent to take care of their property. If a man died, only *jeevanamsa* was given to his widow. That this was not right had been decided by the judges in Bengal and effect was being given to judges' decision there. He added:—

"I need say nothing further about the need for legislation. This was in fact recognised by us when last year we passed unanimously a resolution in this matter. It was then suggested that specific proposals may be made in the form of bill. This bill is based on that suggestion. There can now be therefore no opposition to the general principles embodied in the bill.

The desire for the reform of Hindu Law is not limited to one man or to one community. It is the universal desire of all Hindus. Mahatmaji's article on the subject is clear that reforms should be effected and that Mysore is peculiarly fitted to lead British India in the matter. Messrs. Lajpat Rai, Jayakar, Kelkar, Patel, Sarada, Sankaran Nair, Dr. Muthulakshmi Reddy and a host of others not to speak of Raja Ram Mohan Roy, Malabari, Vidyasagar, Seshagiri Iyer, Sadasiva Iyer, and many others, the greatest men and women of India, past and present, here and all over the country have with one voice demanded the reform of Hindu Law. It has to be done sooner or later in Mysore as in British India. Why not to-day? Here is an opportunity for Mysore to lead British India and to re-establish her claim to be the leader now as in the days of the great Karnatak patriot, Vidyaranya, the forest of learning."

MR. G. CHENNAPPA seconded the resolution. As the subject could not be discussed threadbare in a big assembly like the Representative Assembly in the course of one hour, he suggested that a committee should be appointed to examine the question in closer detail.

MR. RAM DAS supported the resolution.

MR. D. S. MALLAPPA thought that some changes were necessary in the Hindu Law as at present administered. He said that Mr. H. G. Basavappa had brought forward a resolution on the subject which was discussed in detail in the Legislative Council for two days but that nothing had so far been done. A committee might be appointed to consider the question and legislation undertaken after receipt of the report of the committee.

THE SECOND MEMBER OF COUNCIL said that the Government would not take any initiative in this matter of their own accord. This was a question affecting the people of the whole of India and the public had to be educated as to an appreciation of the changes proposed in the Hindu Law. He thought that if the people themselves appointed an unofficial committee to consider all aspects of the question, further action would be easier.

MR. NILGIRI SANJIVIAH said that Infant Marriage Regulation had been introduced into Mysore in advance of British India and that it was a better policy to set an example to British India than to wait and imitate what had been done there. He was for taking some definite action in the matter instead of deferring it till steps had been taken in British India in this regard.

MR. RANOJI RAO spoke in favour of the appointment of a committee to consider the matter.

MR. B. NARASINGA RAO said that there were many difficulties in the way of accepting the entire Bill put forward by Mr. Bhashyam Iyengar although it contained also very good suggestions. He was for the appointment of a committee to thresh out the details and make the Bill more acceptable to the public.

THE DEWAN replied that there was no use or necessity for traversing the whole field of Hindu Law at the present moment. Legislation could only be undertaken bit by bit according to need. He said that the Government would be quite prepared to appoint a committee as suggested.

MR. YELANDUR SRINIVASA IYENGAR suggested that people who are learned in the Sastras should also be represented on the committee.

MR. K. T. BHASHYAM IYENGAR said that he had no objection to confine the legislation for the present only to inheritance and to the appointment of a committee to go into that question alone.

THE DEWAN said that that could be done.

On that assurance MR. BHASHYAM IYENGAR withdrew his resolution.

Resolution No. 45.

“That this Assembly recommends to the Government of His Highness the Maharaja that the present system of hereditary Shanbhogs be removed and paid persons be appointed instead.”

MR. NILGIRI SANJIVIAH in moving the above resolution said that it was based on the statements made by Government themselves in the past. The late Sir K. Seshadri Iyer during his term of office had stated that patels were honorary officers while shanbhogs were not. The same statements were made by the late Sir P. N. Krishnamurthy also. Also in British Indian provinces round about Mysore hereditary *huk* had been removed in the case of shanbhogs and pay had been fixed instead. Mr. A. Narayana Iyengar had brought

forward an amendment that patels should also be included within the scope of the resolution and treated as whole-time servants of Government. He was not however in favour of this amendment and would only press for the acceptance by the House of the question of doing away with the present system of hereditary shanbhogs.

THE REVENUE COMMISSIONER pointed out that in the Madras Presidency the hereditary *huk* had not been taken away but that only pay had been substituted for potgi allowances.

MR. NILGIRI SANJIVIAH said that in Madras, although the hereditary right had not been taken away, shanbhogs were liable to be transferred from one village to another. He thought that this was a wholesome arrangement and might with advantage be introduced in Mysore also. He was also of opinion that it was not right to have two honorary offices in the same place.

THE REVENUE COMMISSIONER pointed out that the practice in Bombay was different and shanbhogs were not shifted from place to place in that Presidency.

MR. NILGIRI SANJIVIAH said that his information was that in the Bombay Presidency there were kulkarnis paid as well as hereditary, and that they could also be transferred from place to place.

MR. M. C. LINGE GOWDA said that shanbhogs were important officials charged with a very responsible duty and that their potgi which ranged from Rs. 25 to Rs. 150 per annum being hardly sufficient for their maintenance, they had necessarily to seek other means for their livelihood. The result was that collection work had fallen into arrears in many villages.

THE REVENUE COMMISSIONER intervening said that he did not agree with that statement and that collection work of the preceding year was satisfactory.

MR. LINGE GOWDA continuing said that the shanbhogs had other avocations in addition to their regular duties so that they could not devote their full time and attention to revenue work, that their services were being requisitioned by almost every department and that therefore they had too much work to do. He suggested that 2 or 3 villages might be clubbed together and placed in charge of shanbhogs who might be given a salary of Rs. 25 a month. If shanbhogs were made whole-time Government servants, he said discipline among them could be well maintained, efficiency would improve and adequate check could be exercised over their work.

MR. VENKATASAMI GOWDA said that from time immemorial patels and shanbhogs were being treated as honorary village officers and were not given any fixed pay. He was of opinion that if fixed pay were given to them instead of potgi it would take away the dignity attached to their offices. He therefore opposed the resolution.

MR. A. NARAYANA IYENGAR moved his amendment that patels also be brought within the scope of the resolution. He said that shanbhogs and patels worked and felt like brothers in the villages and what applied to the one should apply to the other. He did not see the point in making shanbhog a whole-time servant of Government leaving out the patels out of consideration. In the words of Sir. K. Seshadri Iyer these village officers formed the backbone of the administration and nothing should be done to break it, specially as the system was in vogue from time immemorial. Finally he said, that if the hereditary *huk* should at all be removed it should apply to both patels and shanbhogs.

MR. HOSAKOPPA KRISHNA RAO said that in Bombay the hereditary *huk* was retained but the village officers were given fixed pay in lieu of potgi allowances. Moreover the shanbhogs themselves did not ask for any change in the present practice. They felt for the most part satisfied with their potgi allowances. The object of giving them potgi allowances he said was to maintain their dignity in the village. Mr. Linge Gowda had stated that shanbhogs allowed the collection work to go into arrears. He would point out that shanbhogs were not at all responsible for the arrears. It was only the patels who collected the land revenue. For these reasons he seconded the amendment.

MR. PATEL BASAPPA pleaded for the continuance of the existing state of things as no case had been made out for changing the present practice nor was there any request on the part of either the shanbhog or the patel for the substitution of potgi by fixed pay. He was also opposed to the transfer of the patel and shanbhog from village to village.

MR. DODDIAH was in favour of granting fixed pay in lieu of potgi in the case of both patels and shanbhogs inasmuch as their potgi was not adequate and instead of doing their legitimate work whole-heartedly they sought to create parties in the villages and set up one against the other for their own private ends. He thought that by making them whole-time Government servants their mischievous tendencies could be stopped at once.

MR. ANEKAL SRINIVASA IYENGAR opposed the resolution. He said that the present hereditary system carried prestige and dignity with it which would be seriously impaired if fixed pay were substituted. From his experience of the working of the fixed pay system in the Madras Presidency he could say that the pay of Rs. 8 or Rs. 10 allowed to the shanbhogs there did not help them much and their work also was not satisfactory. He was of opinion that fixed pay would bring with it discontent in this important branch of service.

MR. KRISHNAMURTY ACHAR said that nowhere had the hereditary system been abolished so far as village officers were concerned.

MR. BHASKARA RAO said that what shanbhogs asked for was increase of potgi in proportion to the additional work thrown upon them but they had never asked for fixed pay. This question had been discussed at more than one session in the Assembly in the past. It was wrong to consider that shanbhogs were responsible for the collection of arrears. They simply maintained accounts while it was the duty of the patels to collect revenue. The present system had continued from time immemorial and he had not seen any shanbhog who had been reduced to penury by reason of not giving him fixed pay. Even in Bombay although there was fixed pay in certain places hereditary right had not been removed. He therefore thought that no change was called for.

MR. GOPALACHAR and several other members said that under the present system the village officers were doing their work satisfactorily and were content with their lot. The Government had to consider whether they could spend in the present condition of finances lakhs of rupees on account of their pay. Fixed pay had given rise to discontent in all Government offices and the case would not be otherwise with the shanbhogs. If at all they laid down a fixed scale of pay for the shanbhog the same thing should be done for patels. The shanbhogi office was a time-honoured institution and some shanbhogs were enjoying inams granted to their ancestors years ago. The gracious proclamation of Queen Victoria had clearly laid down that the Government would not interfere with the time-honoured customs of India. The hereditary right was such a custom and should not be interfered with. Shanbhogs and patels were responsible people in the villages and nothing should be done to interfere with their dignity and reduce them to the position of Government servants.

MR. THUDKI RAMANNA said that the fixing of pay for shanbhogs and patels would involve additional expenditure on Government at a time when they could not afford to meet such expenditure. He therefore did not like either the amendment or the original motion.

MR. MALLIAH opposed the amendment on the ground that the patel's office was more dignified than that of shanbhog. The patels had to collect revenue and were responsible for the prompt remittance of the amount to the treasury. They had a heavy responsibility to discharge. They had not furnished any security in the way of guarantee to Government against possible loss of money. Also the Revenue Commissioner had stated at the First Patel's Conference that the patel could by no sense be called a Government servant. On the other hand, the shanbhog had no such responsibilities. The patel was the head of police in the village; furnished the first information report whenever any crime took place. For these reasons he urged that the patel's office should not be reduced to the position of a Government appointment. The shanbhogs had been petitioning the Government for years past asking for increase of potgi. The question was coming up almost at every session of the Assembly. This showed that there was discontent among this class of village officials and the best way of remedying the state of affairs was to treat them as Government servants and grant them fixed pay. In Kolhapur also the hereditary *huk* of shanbhogs had been removed and fixed pay given to them. He added that if there should be efficiency in the village administration shanbhogs should be given fixed pay and their jurisdiction increased.

ANOTHER MEMBER said that the resolution should not be accepted for the following reasons:—(1) When Government could not increase the potgi by a single rupee on account of financial considerations, it would be impossible to give a fixed pay to all shanbhogs involving very much greater expenditure. (2) If a shanbhog is transferred from one place to another he could not be expected to work as efficiently as the previous one; he would create trouble in the village and would have to be sent away to some other place. (3) If fixed pay is given, shanbhogs will lose the right of coming to the Assembly. (4) Fixed pay will involve defalcation which is rare under the existing system. He added that shanbhogs and patels always worked together and should be treated alike.

MR. RANOJI RAO doubted if Government had power to

remove the hereditary *huk* of shanbhogs. This had to be decided first of all. So far as his knowledge went, the Government had no such power. In Bombay the hereditary *huk* was retained and fixed pay was substituted for allowances in the case of shanbhogs who preferred such treatment. The same procedure might be adopted in Mysore also.

THE REVENUE COMMISSIONER said that both in Madras and Bombay there was the practice of giving fixed pay to shanbhogs while the patels got only *potgi* because they had specific duties to perform which were more honorary in nature and not be done by paid officials. In Bombay there were both paid and hereditary shanbhogs. In Kolhapur there was no hereditary system from the beginning. In other places, paid Kulkarnies were appointed but not unless they relinquished their hereditary *huk*. So far as Mysore was concerned there were 6,400 *firkas* and about seven lakhs of rupees were spent annually in the shape of *potgi* to these village officers. If it was proposed to substitute fixed pay for *potgi* the shanbhogs had to be given at least Rs. 15, or 20. Granting that the *firkas* were reduced to 5,000 and a fixed pay of Rs. 15 fixed for each shanbhog, Government would then have to provide immediately about 9 or 10 lakhs in the Budget. Moreover there was the question to be considered of compensating the shanbhog for loss of his hereditary *huk*. Again as it was, the shanbhogs had no full time work and if fixed pay were given to them Government had to see how best their services could be fully utilised. The patels were responsible only for collection work whereas shanbhogs for the maintenance of accounts. There was an economic survey in the time of Elphinstone in Bombay when it was elicited that Barbaluti was an important body and that if honorary service was replaced by fixed pay system their integrity would suffer.

The Revenue Commissioner added: "We are in the parting of ways. Any new change proposed would raise the question whether the village should be administered by village officers with their honorary service or whether paid service should be introduced. This is a difficult problem to solve and it is not possible to give any definite opinion. If the system of paid service is introduced Government will have to face a heavy expenditure and there is also need for initiating legislation. The department is now doing all that is possible for improving village administration." He added that training classes were being instituted for training shanbhogs and thereby improve their efficiency. It was his

considered opinion that it was not easy to remove a time-honoured or honorary institution so suddenly.

MR. H. C. DASAPPA said that the Revenue Commissioner was of opinion that shanbhog had now no full time work. That meant that if the shanbhog's work was increased their number could be reduced with the result that the expenditure to Government would not be increased beyond the present limit. He did not see how the village integrity would be affected by removing the hereditary *huk*. There were instances in which shanbhogs were responsible for creating factions in the villages and for bringing about disunion. That was because the shanbhog had not enough work. They were responsible for the maintenance of accounts only. Many shanbhogs were living outside their jurisdiction and if they were treated as Government servants they might be compelled to remain in the village.

THE DEWAN said that the shanbhogs were now required to remain within the hobli and that they would lose their appointments if they lived elsewhere.

MR. H. C. DASAPPA said that the hereditary *huk* had been abolished in Madras without any untoward results. This reform had been carried out in Cochin also where no inconvenience was caused. If the country was to develop, some important changes had to be boldly effected. He quoted the case of Turkey where Gosha system had been removed by a stroke of the pen.

THE DEWAN said that the shanbhogs were not out of control and that if they did not do their work properly they could be called to account.

MR. VENKATESIAH said that the present shanbhogs with their long experience of the villages had information at their fingers' ends, that some of them could write their *pahani* from memory and that if they were transferred elsewhere or replaced by new men much difficulty would ensue. He was strongly of opinion that experienced and hereditary shanbhogs would turn out much better work than stipendiary shanbhogs. The appointments of stipendiary shanbhogs would entail an expenditure of more than 15 lakhs of rupees in addition to granting compensation to the shanbhogs for the deprivation of their hereditary *huk*. In regard to the complaint that the shanbhogs created party feelings, etc., he said that the same complaint might be made against a stipendiary shanbhog also.

MR. RAM DAS supported the resolution.

MR. THIMME GOWDA said that if shanbhogs were

placed in a progressive scale of pay they would put their heart into the work and that there was no dearth of qualified men at present. Each shanbhog might be given at least a pay of Rs. 20, to attract really capable men. He was not in favour of continuance of the hereditary *huk* in any case.

MR. VENKATAPPA said that speaking from his experience the shanbhogs wrote Pahani from memory in many cases quite wrongly. They had also maintained wrong registers. These difficulties would go if stipendiary shanbhogs were appointed. The number of hereditary shanbhogs actually working as such was at present very small and there would be no difficulty in having a staff of stipendiary shanbhogs.

MR. SANJEEVIAH said that the registers in which the raiyat was interested was the Pahani and if it was written in the wrong way there would be considerable trouble to the raiyat. Being honorary officers the shanbhogs might refuse to do the work when called upon and this could be rectified by having stipendiary shanbhogs. He did not believe that this would entail much expenditure. In an answer furnished by Government to a question it was elicited that the annual emoluments of a patel amounted to Rs. 2-4-0 while those of a shanbhog Rs. 11-0-0 and that therefore it was quite clear that the pateli office was more honorary than that of the shanbhog.

The amendment was put to vote and lost, 23 voting for and majority against.

The resolution was then put to vote and passed by a majority, 87 members voting for and 43 against.

Resolution No. 38.

“That this Assembly recommends to the Government of His Highness the Maharaja that the Newspaper Regulation of 1908 be abolished completely.”

This was not discussed as the mover Mr. B. C. Rangappa was absent.

Resolution No. 46.

MR. NILIGIRI SANJEEVIAH moved:—

(a) “That this Assembly recommends to the Government of His Highness the Maharaja to empower the Patels with criminal powers as in British India, and

(b) whenever they attend Criminal Courts they may be given usual batta as Police Officials.”

In doing so he observed that the patels were the Police

officials in the villages, that they were responsible for all that was taking place there, that third class criminal powers were given to them in British India to try cases within Rs. 10, that at present the villagers had to go to taluk headquarters at a distance of 10 to 12 miles for small cases and that therefore the patels that were found competent might be entrusted with criminal powers as in British India and that this would considerably remove the hardships the raiyats were at present undergoing.

As regards the second section of the resolution he observed that the report of the patels was the first information report in all matters connected with the villages, that summons were being issued to them to attend the Criminal Courts, that as they had to be present there, they must be given the usual batta that was being paid to the Police officials. He therefore begged that the House would kindly accept the two sections of the resolution.

MR. VEERASANJEEVA GOWDA seconded the resolution. He said that there was also a representation standing against his name on the same subject. The practice of giving batta to patels was in vogue in the Madras Presidency and he requested that the same practice should be followed in Mysore.

MR. A. NARAYANA IYENGAR said that most of the patels were illiterate and there were also two parties in many villages, the patels for the most part joining one party or the other. He therefore thought that it would be unsafe to invest such patels with criminal powers. He had however no objection to invest such of the patels as were duly qualified in places where there were no parties with criminal powers.

MR. ANJANEYA SETTY agreed with the previous speaker and added that when many people were at present pressing for the abolition of the Bench Magistrates' Courts in several taluk headquarters owing to the existence of party factions, the acceptance of the resolution recommending the investing of the criminal powers to the patels would only make the situation in the villages worse.

MR. SUBBANNA NAIK said this system existed in British India and also at Sringeri and no inconvenience had been experienced. He thought that education was spreading among patels and if, to start with, only such of them as were literate were invested with criminal powers, it would be an incentive to the illiterate patels also to become literate. He was also of opinion that such a system should be introduced mainly in places where there were factions.

MESSRS. PATEL DASAPPA and DEVE GOWDA also agreed with the above view.

* MR. RAJAGOPALA MODALIAR thought that at a time when there was a cry for the separation of judicial from executive function, it was not right to invest patels (revenue officers) with criminal powers. He also said that the arrangement was not called for in the present state of society and education in Mysore.

MR. VENKATASAMI GOWDA said that at least in the interest of the village improvement work, patels should have criminal powers.

MR. H. C. DASAPPA observed that there were many patels in the Representative Assembly who were quite fit for being invested with criminal powers and that patels were also the chairmen of the village panchayets. If they were fit for managing the work of the panchayets, he failed to see how they would be unfit for criminal powers. If, however, patels could not be invested individually, the criminal powers might be given to the panchayets as a body. He did not think that the factions in the villages could have anything to do with the matter.

In regard to the first part of the resolution THE THIRD MEMBER OF COUNCIL said that the Government would examine the system in vogue in Madras and see whether it could be introduced in Mysore also.

As regards the second part he said that it was reasonable and that it would receive consideration.

On these assurances, MR. SANJEEVIAH withdrew his resolution.

Supplementary Resolution.

MR. M. C. LINGE GOWDA moved as follows:—

“That this Assembly recommends to the Government of His Highness the Maharaja the desirability of including among the members of the Irwin Canal Committee representatives of the Agricultural Communities.”

In moving the above resolution, Mr. Linge Gowda brought to notice several questions which would come up for consideration in connection with the Irwin Canal and said that as the advantages or disadvantages of the extension of irrigation in the canal area were to be reaped only by the raiyats, it was necessary that the canal committee should have suitable representation of the raiyats of the area to give suggestions to the committee.

THE DEWAN said that the proposal would be considered by Government.

MR. DASAPPA said that there was no use of merely considering but that the resolution should be definitely accepted. He said that in connection with the question of surrender of one-third extent of land in the canal area, it was important to see whether the Shikmidars or Khatedars should surrender. The matter ultimately affected the raiyats and he was of opinion that therefore representatives representing agricultural interest should be in the committee.

THE DEWAN observed that there were already people in the committee who might be regarded as representing that interest.

MR. DASAPPA replied that he wanted representatives who actually voiced the grievances of the raiyats.

MR. MALLIAH also said that the raiyats should be taken into confidence in this important matter.

THE DEWAN said that it was not possible for him to give an off-hand reply and he could only say that the matter would receive most sympathetic consideration.

In view of this assurance, the resolution was withdrawn.

The remaining resolutions lapsed for want of time.

MR. BHASHYAM IYENGAR then spoke as follows:—

SIR,

On behalf of the bar whom I have the honor to present in this House I beg you to be so good as to convey to His Highness the Maharaja our deep sense of gratitude for his gracious kindness in conferring the title of "Rajadharma-pravina" on the Chief Judge, Mr. Justice C. S. Doraiswami Iyer. His keen intellect, his profound learning, his massive common-sense, his unfailing sympathy, his strict impartiality, his composure, dignity, wit, wisdom and above all his essential goodness of heart and generosity of feeling have won for him as a judge in a hundred-fold the affection and devotion of the bar which already he enjoyed in a large measure indeed as an advocate. Our delight is all the greater in that he is not only the most brilliant product of the bar in Mysore but he is also the first among the members of our bar to rise to the highest judicial office in the State. It will be admitted on all hands that never before had the judiciary in the State commanded such high esteem and honour, such confidence and popularity as it does to-day under the able guidance of Rajadharma-pravina Mr. Justice C. S. Doraiswami Iyer. May God give him all health and happiness to serve his country and his Sovereign for many, many years to come!

Sir, I desire to associate with his name, the names of Messrs. C. S. Balasundaram Iyer and K. Matthan, the Second and the Third Members of Council, who have been honoured by His Highness with the title of "Rajamantrapravina." It is a great delight to us to feel that the eminent services of these popular officers have been recognised and appreciated by our Sovereign. Their experience, ability, kindness and courtesy, their devotion to the cause of the poor and the weak and above all their nobility and generosity have endeared them to the people. I may also be permitted to refer to. Rajasabhabhushana Mr. Thumbu Chetty who is one of the most modest and lovable officers of His Highness' Government. Experienced yet unostentatious, learned yet simple, he is loved by us all.

Sir, I beg of you to convey to His Highness our humble expressions of gratitude and loyalty for the honour he has been graciously pleased to confer on the above officers."

DEWAN'S CONCLUDING REMARKS.

GENTLEMEN,—I have to thank you for your co-operation in the work of another busy session, and of one that has been in many ways the most interesting and successful that we have had for a long time. The level of discussion has been very high and some really fine speeches have been made. What is more, they have conveyed to us of the Government the real feeling of the people—feelings of trust and confidence in those who have to bear the responsibilities of administration. There are some people who are apt to assume, in Lord Curzon's famous phrase, that all the misguided men in the country are inside the Government and all the enlightened outside it. It is comforting to feel that there is ample enlightenment as to our policies inside this House and that the assumption I have referred to is made principally by some misinformed persons outside.

This being so, I am in the happy position in replying to criticisms to-day, not so much of answering criticisms made on the floor of the House as of asking your co-operation in convincing the minority outside.

Let me take first the criticisms of our financial policy. It is said that the era of surpluses cannot last and that we are not warranted in frittering away the money we have on grandiose schemes of doubtful utility. Let us grant, for the sake of argument, that we have been fortunate. Let us

grant that, if we have money to spare, we ought to consider reduction of taxation. What then? I would ask our critics have they studied the rainfall statistics for the last twenty-five years, and compared them with those for the twenty-five years previous? Have they realised how the climate has changed? Have they forgotten the famine of the past? If they have not, is it better to hoard the surpluses and draw small interest on them until another famine comes and then to lose the whole in desperate efforts for relief, or to spend them carefully now on tanks and canals that if they give the Government only a small return, will give the raiyats a much bigger one, in itself equal to a remission of taxation, while protecting them and the whole State against the dangers of scarcity? Gentlemen, I make no excuse for inviting attention to the fact that at no period in the history of the State have so many tank works been undertaken or so much money spent on irrigation as at the present time. I am convinced of the wisdom of doing everything possible to extend the benefits of irrigation, and Government intend to continue, so far as in them lies, to provide money for it without stint.

It is next said that the Irwin Canal Scheme is a grandiose scheme, and of doubtful utility. I ask you to believe that this Government does not undertake grave responsibilities lightly, that the bearing of them is a heavy burden, that the timorous path of shirking responsibility and *laissez faire* is much the easier path. It would have been much more comfortable to let things slide. May I add that it would have been much easier? For, we do not embark upon a large scheme like the Irwin Canal without testing it in every possible way, and we have fifty years of enquiry to digest. We have tested it to the best of our ability and we have found it good, and if any of you are of a different opinion, I ask of you to go out to Hulekere and examine the work that is being done and the minute care with which our engineers have planned, not only the engineering details, but every detail concerning the expansion of village sites, the extension of communications, the prevention of water-logging and fever, and experimentation with crops, and I am sure they will come back convinced that everything that is humanly possible is being done to make the Irwin Canal a work of immense and lasting benefit to our country.

And I take this opportunity to make an appeal to you all. Our engineers can do much, but they need the people to work with them. They have planned ahead. They want

the raiyats to plan ahead too. They want to secure that, when the water is ready for distribution a couple of years hence, there shall be ready to take it a body of cultivators with their plans laid for using by rotation certain areas for paddy, and others for semi-dry crops and leaving others waste, a body of men who will be ready to experiment with the best duties of water and with the crops most suited to the soil and most likely to find a sale. Is it too much to hope that there will be also another body who will be ready to develop the industries for which these crops will provide the raw material? The Irwin Canal is going to bring us great potential wealth, and we want you all to help us to think out how this can be used to the greatest advantage.

And this leads me to another question that is much in the public mind; that of unemployment. If only our young men will make up their minds to take up one of the most noble, interesting and health-giving occupations in the world, agriculture, the Irwin Canal offers them an extensive field. I will go further and say it is offering them one now. The officers in charge are employing an army of workmen and a host of contractors. It is hardly to the credit of Mysore that for much of the skilled labour we have to go outside the State, while there are numerous small contracts to be had on which we should be only too glad to employ our educated youth if they would come forward and undertake them. Apart from that, we are providing other avenues in agricultural colonies, in the electrification of towns and villages and in the expansion of the Survey Department. We are not unalive to the gravity of the problem of unemployment but we want co-operation here also, and we believe that, if we receive it, hundreds of young men who are now swelling the ranks of the unemployed may achieve self-support in a happy, healthy and independent life.

We are charged with beautifying the two capital cities at the expense of the villages. To the charge of doing all that in me lies to beautify the cities of Mysore and Bangalore, I plead guilty. My one regret is that we cannot do a hundred times more. And I ask you whether it would be a sin or an ignoble ambition to have the capital of our beautiful State a city beyond compare in India. My regret is that we can do so little. After all, what are we spending? Rs. 35,000 in Bangalore and Rs. one lakh on Mysore, and while a great part of the latter sum already goes, not in beautification, but in drains; the lesson of the

last year's health statistics teaches us that, not one lakh, but many will be needed before this one city can be brought up to the level of European cities in point of sanitation and prevention of disease.

To the charge of neglecting the smaller towns and villages I must return an emphatic negative. I have spoken to you already of the progress of electrification. I ask you to consider one concrete case of this, namely, that in a short time there will be a chain of electrically lighted towns and villages from Kolar-Gold Fields to Nanjangud, a distance of 170 miles. Where else in India will you be able to see the like? In the villages generally a sincere and patient effort is being made to improve the condition of the peasantry, fostering in them a spirit of responsibility and of self-reliance, and though the work is only just begun, and there is a staggering amount of it still before us, I feel that we have no reason to be ashamed of what has so far been achieved.

But here too we want co-operation all along the line. Let me take one instance, the question of the extension of village sites. Several members have complained of the delay and inconvenience experienced in this matter. I fully sympathise, and will see that strict orders are issued to ensure that no avoidable delay occurs in the disposal of such requests. But this deals with only one aspect of the problem. For extension to be carried out in a thorough and systematic manner, we need considered proposals and comprehensive plans, and above all a knowledge of the wants of the villagers as a whole and of the best means of meeting them. To ensure this, we need the co-operation especially of panchayats and local bodies, and I can assure these bodies that, if they will devote themselves to this most necessary task, they will be doing work that is of benefit to the whole State. The strength of a chain is that of its weakest link, and the welfare of the State and its people is determined by the condition of those living in the least satisfactory surroundings, for insanitary conditions affect the minds and bodies of the people who are the backbone of the State.

In a word, Gentlemen, what we need is a higher standard of living all round, and the way to secure it is not by carping criticism but by co-operation all the way in the pursuit of health and of wealth, but no less, in the pursuit of beauty and high ideals of living.

In conclusion, I thank you again for your valuable co-

operation in work of a memorable session and I declare this Assembly adjourned.

MR. LINGE GOWDA on behalf of the members of the Representative Assembly said that the present year's Dasara Session was in many respects a historical one. Seasonal conditions had greatly improved on account of timely rains all over the State. The anxiety of the people in regard to their crops was allayed. After the Dewan's speech in the Representative Assembly complete peace and harmony had been restored among the members. A Hindu Mahasabha had been installed in Mysore which would bring good feeling among the different communities in the State. An additional grant of Rs. 50,000 had been sanctioned towards scholarships to the backward classes. There was never before such a time when a complete good understanding existed between the people and the Government as was evident from the discussions on the adjournment motion regarding the dismissal of certain teachers. He assured the Government of the hearty co-operation of the House in all the acts of Government for the welfare of the State.

He thanked the Dewan and the Members of Council for the patient hearing they gave the representatives of the people for the past 8 days and specially for the assurances given in the Dewan's Concluding Remarks. On behalf of the House, he requested the Dewan to convey their deep loyalty and devotion to His Highness's Person and Throne and their full confidence in the administration.

Three cheers were called for His Highness the Maharaja by MR. NILIGIRI SANJEEVIAH which were lustily responded to.

Then the meeting adjourned *sine die*.